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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27195	7590	02/01/2006	EXAMINER	
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			BAYERL, RAYMOND J	
			ART UNIT	PAPER NUMBER
			2173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/609,104	Applicant(s) MARCJAN ET AL.	
	Examiner Raymond J. Bayerl	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 22 is/are pending in the application.
- 4a) Of the above claim(s) 19 - 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>27 December 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 10 - 18 are rejected under 35 USC 101, as being directed towards non-statutory subject matter.

Independent claim 10 and its dependent claims 11 - 18 are directed to "software" "In a computer readable medium". However, applicant's specification at paragraph [0059] permits that such a "medium" can be "electrical signals representing data bits" or "physical locations that have particular electrical, magnetic, or optical properties". Such "signals" do not represent the kind of tangible, practical solution that would qualify as "machine", "process", "article of manufacture" or "composition of matter". Applicant's indication of intended embodiment in these ephemeral phenomena does not place the "medium" into any of such categories.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1 - 2, 5, 7 - 11, 14, 16 - 18 are rejected under 35 USC 103(a) as being unpatentable over Cohen-Levy et al. ("Cohen-Levy"; US #5,423,034) in view of Nelson ("Nelson"; US #2004/0122849 A1).

As per the "computer object access control graphical user interface" in independent claim 1, Cohen-Levy teaches NETWORK FILE MANAGEMENT, where Each file and level in a directory structure has network access privileges, as administered by a document locator module (Abstract). Applicant's attention is

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particularly drawn to the “graphical user interface” shown in Cohen-Levy’s fig 5, where “one or more access control fields” appear in the form of the Window display 82, which lists, in scrolling window format, users recognized by the network (col 18, line 33 - col 19, line 21). Cohen-Levy is thereby capable of “controlling access to a computer object” through the use of “computer spaces”, an example of which is “corresponding to access to the computer object for the one or more computer users”. Through Cohen-Levy’s user list for the “object” entitled network cabinet (“a name field”), access privileges may be assigned on a per-“object” basis.

While the users in Cohen-Levy are most certainly distributed over a plurality of site locations in the network arrangement shown, Cohen-Levy’s use of “computer spaces for the computer object” does not extend **explicitly** to include that “at least one of the computer spaces is a computer where one or more users is located during access to the computer object”.

However, in the ASSIGNMENT OF DOCUMENTS TO A USER DOMAIN in Nelson, a system defined attribute for a domain is included as an attribute of the document, where a view is automatically selected based on the user’s domain to limit access to items having the same domain as the user’s domain (Abstract). A situation envisioned by Nelson is one where multiple organizations might share a content management system, with each organization assigned to a domain (paragraph [0034]). For one of the organizations, “a computer where one or more users is located” is designated by the separate domain-based attribute attached to an “object”. Even more particularly in Nelson, A user can create an item for which access is limited only to

users associated with certain domains, and The user can specify the item type, where an item type can include attributes such as a domain ID (paragraphs [0042], [0043]). When the Nelson user specifies particular domains, Nelson shows a computer space that “is a computer where one or more users is located”, since different organizations have different locations and domains.

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to extend the “graphical user interface” of Cohen-Levy, where “controlling access to a computer object” is achieved for a computer space relating to “access to the computer object for the one or more computer users”, by including an additional assignment of access limits through the space of domains in Nelson, with the devices for each such domain corresponding to user locations, so that the Cohen-Levy user has a more comprehensive control over just what limitations an “object” should have placed upon it. Motivation rests at least in Cohen-Levy, where to specify an entire domain listed for an organization's computers (at the organization's operating location) as per Nelson will obviate the need to find entire lists of “computer users” that need to be designated.

The networked environment of Cohen-Levy is such that “at least one of the computer spaces corresponding to access to the object for one or more computer users is provided by one of plural computer communication formats” (claim 2), since a particular kind of communication format will have to be used in the network.

As per claim 5, where “the plural selectable computer spaces for the computer object are listed in a ranked sequence”, Cohen-Levy teaches an alphabetic listing of

users in fig 5. This is readily extensible to the plural-space arrangement suggested by providing domain specification as per Nelson.

Claim 7's "computer spaces" that "are listed together in a single access control field" would be found in the Cohen-Levy interface, whose "single" "field" (i.e., the interactive region) when enhanced as per Nelson would also show a location-based space for organizations with domains. The diverse nature of users and domains will also suggest that within the overall "interface", the "spaces...are listed in separate respective access control fields", as in claim 8. Given alternatives between domains and users in the combined system, the result, when modifying the Cohen-Levy list to show Nelson's domains, will be "a flat representation without hierarchy of plural selectable computer spaces corresponding to computer locations" (claim 9), since the assignment of domains in Nelson is a virtual one, without necessary reference to "a hierarchical file structure".

Claims 10 - 11, 14, 16 - 18 are "software" claims that parallel respective "user interface" claims 1 - 2, 5, 7 - 9, and rejection is based upon a line of reasoning similar to that presented above.

5. Claims 3 - 4, 6, 12 - 13, 15 are rejected under 35 USC 103(a) as being unpatentable over Cohen-Levy in view of Nelson and Cohen et al. ("Cohen"; US #6,507,845 B1).

While "the computer spaces" in a combined Cohen-Levy/Nelson "access control" arrangement will have to use "one of plural computer communication formats" in the

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networked environments of both references, this combination does not **explicitly** show claim 3's provision by "email", nor claim 4's by "instant messaging".

However, these modes by which "computer spaces" can be implemented were extremely well-known in the art at the time of applicant's invention, an example being Cohen, in SUPPORTING IMPROVED AWARENESS OF AND COLLABORATION AMONG USERS, where a chat window ("instant messaging") or email ("email") are employed in the overall collaborative effort between a number of users that have distribution at least as "users" in a computer space.

It would also have been obvious to the person having ordinary skill in the art that these standard "communication formats" as in Cohen be used in the Cohen-Levy/Nelson combination, since an analogous function is accomplished in Cohen to the one in both Cohen-Levy and Nelson: the provision of object "access" across a number of users. Motivation exists at least in Cohen-Levy, whose networked environment is ideally suited for both well-known "formats", these being known for their ability to help in a collaborative effort.

As per claim 6, while a plain alphabetic "ranked sequence" is shown by Cohen-Levy's selection screen for users, this does not **explicitly** teach that a "sequence" should be "ranked according to associations to the computer object determined automatically from user computer interactions".

However, in the computer space established in Cohen, an indication of current or most recent activity as retrieved from a history file (col 6, lines 35 - 45; fig 10) is used, to produce a list as in box 212 that shows various interactions by People in reverse

chronological order. The computer space that contains those users has a “ranked sequence” based upon prior activity within the system.

It would finally have been obvious to the person having ordinary skill in the art to use a “ranked sequence” as per Cohen for “plural selectable computer spaces” as per Cohen-Levy/Nelson, so that the more relevant portion of the “spaces” appears at a more prominent position. Motivation rests at least in Cohen-Levy, where the “object”’s access privileges are ideally seen in a way that allows the user of the “user interface” to have a ready grasp of just what the space is composed from, and history-ordering assures that more recent users are placed first in a selection menu and not potentially overlooked.

Claims 12 – 13, 15 are “software” claims that parallel respective “user interface” claims 3 – 4, 6, and rejection is based upon a line of reasoning similar to that presented above.

6. Applicant’s arguments with respect to claims 1 – 18, filed 17 November 2005, have been considered but are moot in view of the new ground(s) of rejection.

Applicant’s argument at page 7 that “**Cohen, et al. fails to discuss control of access to documents**” is now addressed by Cohen-Levy, where access control to an object is specifically controlled within a space of computer users.

Applicant’s page 8 argument that “Cohen, et al. and Sluiman, et al. alone or in combination fail to teach or suggest one or more *access control fields* rendered together and indicating plural selectable computer spaces for the computer object, at least one of the computer spaces *is a computer where one or more users is located during access*


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to the computer object and at least one of the computer spaces corresponding to *access to the computer object for the one or more computer users*" is rendered moot by Cohen-Levy's provision of an access-controlled space for users, when combined with Nelson's domain-oriented access control, where the "computer where one or more users is located" becomes indicated, by domains of organizations at various locations. This is further consistent with applicant's illustration at pages 6 – 7, of access from "Networks X and Y", and "Network Z" as describing "location". The domains in Nelson similarly indicate "networks" that are used in accessing objects, since a domain is a network-organizing entity.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

30 January 2006